

Placer County Charter Review Committee

Meeting Minutes from
Agenda of
October 01, 2007
1:30 p.m.

Location: Placer County Administrative Center
Executive Offices – 175 Fulweiler Avenue - Auburn CA 95603
Conference Room - A

Prior to the start of the meeting, Ms. McCord asked that minutes and agendas reflect “Unfinished Business” instead of “Old Business”.

1. Welcome – Chairman

Committee Chairman Wayne Nader opened the meeting at 1:30 p.m. and welcomed those in attendance. Committee members present were: Mr. Wayne Nader; Mr. Aldo Pineschi; Mr. Greg Nau; Ms. Annabell McCord; and Mr. Ron Feist. Committee members Rick Brown and Todd Lindstrom were both absent.

Staff present included: Michael Paddock (CEO), Brian Wirtz (County Counsel); Teri Sayad Ivaldi (Board of Supervisors); and Anita Yoder, (Public Information Officer).

Ms. Margie Spalding, as a member of the public was present. Mr. Al Madison, as a member of the public was present. Dr. Donald A. Brophy, speaking as a private citizen was present and Keith Bray, Legal Counsel for the Office of Education was present.

2. Public Comment

Ms. Margie Spalding noted that her name was misspelled in the minutes. Her name is spelled “Spalding”. Committee members requested that the minutes of the September 10, 2007 meeting reflect that change.

3. Minutes of September 10 – Review and Approve

Brian Wirtz confirmed the spelling of Ms. Spalding’s name would be changed. Committee members approved the minutes for the September 10, 2007 meeting. The minutes with the reflected change for the September 10 meeting were approved with all committee members who were present voting aye.

4. Citizens Request / Presentation by Mr. Brophy Topic Superintendent of Schools

Dr. Donald Brophy, presented his viewpoint and expertise relating to the topic of whether the position of Superintendent of Schools should be an appointed (professional) position verses an elected (political) position. Dr. Brophy emphasized that his comments are personal and not that of his current position as President of the Placer County Board of Education. Additionally, Dr. Brophy stated that his viewpoint does not include any personal reference to past or present superintendents and that the purpose of his

presentation will not serve him as a board member but only the citizens and future Boards of Educations, as he does not plan to run for re-election.

Dr. Brophy began with a brief biography of his educational background and career experience in Education including 31 years in the California Community College System. Dr. Brophy also introduced Keith Bray, legal counsel for the Office of Education who was in attendance.

Dr Brophy noted that very few people know about the Placer County Board of Education or that the State Board of Education regulates the rules and responsibilities of an elected Superintendent of Schools and the elected Board of Education.

Briefly, Dr Brophy stated that the position of the County Superintendent of Schools should be changed from an elected to an appointed position for the following reasons:

- To ensure the employment of the best qualified superintendent; and
- To provide a clearer delineation of accountability on the part of both individual board members and the superintendent; and
- To foster and maintain a relationship of mutual respect, accountability, collaboration and cooperation between the Board of Education and the Superintendent of Schools; and
- To ensure that all county students and school districts within the jurisdiction of Placer County Office of Education receive quality educational experiences.

Dr. Brophy stated the primary role of the Board of Education is to:

- To approve the Superintendent's budget before it is forwarded to the State; and
- To approve the Superintendent's salary; and
- To Approve leases; and
- To serve as the Board for county special education program, the juvenile school, alternative (home schooling), and inter-district permit appeals; and
- To set policy (this is onerous since the transition from policy to practice morphs from Board responsibility to the discretion of the Superintendent – over which the Board has no legal control)

An elected Superintendent of Schools holds all the “aces” by having full and virtually unchallenged control over most aspects of the office including personnel, programs, facilities and services. Further, the Board of Education needs the Superintendent to develop and oversee these programs, for the Board is not always best equipped to run, nor should it, the operations.

The present system establishes an arena in which the majority of (7) seven Board members is overshadowed by the autonomy (1) one Superintendent.

Dr. Brophy had concerns with the current structure of representative governance. The (7) Placer County Board of Education members are elected from five areas based upon school district boundaries and a balanced voter representation per Board Member, e.g. the “One Man, One Vote” concept.

As currently structured, constituent Issues within a specific area can only be resolved by the action of the (1) one elected Superintendent or an affirmative vote of a minimum of (4) four elected Board members.

Dr. Brophy had concerns with the balance of representation based on population. While the Superintendent is elected at large, the larger populations (such as Roseville) control the vote which is normally ok, but in some instances could disenfranchise the total Board representation.

The elected Superintendent's role is protected by the California Education Code, granting virtually all power to that position verses that of an elected Board.

Dr. Brophy had concerns with political or special interest partisanship influence which can easily take place with an elected Superintendent. He suggests that an appointed Superintendent:

- Would be able to remain nonpartisan; and
- Would have the freedom to provide the best decisions and programs for all students and county schools; and
- Would have the freedom to work and consult with the Board while remaining objective; and
- Would not be obligated to anyone in providing the necessary leadership deserved by all children, their parents and the electorate; and
- Would be less vulnerable to be targeted or represented by any particular special interest and;
- Would have the backing and support of the (7) seven elected Board Members.

Dr. Brophy suggests that the more traditional process of selecting a Superintendent:

- would allow for a state and/or national search for qualified applicants; and
- would avoid potential partisanship influence; and
- would include an application – citing educational experience, educational degrees and certificates, and references; and
- would allow the opportunity for individual assessments by an interview / selection team, which would further ensure the best qualified candidate is recommended for employment; and
- should the first group of candidates not meet the criteria sought, the position could be re-advertised until a satisfactory candidate is chosen.
- Additionally, the process of appointing a Superintendent would allow the elected Board to act on behalf of all county citizens to remove an individual from office for poor performance or other reasonable causes.

Dr. Brophy outlines the current process for an Elected Superintendent as:

- Anyone can file an application to run for the office irrespective of qualifications.
- The voters are not aware of an office seeker's qualifications to provide the leadership necessary to carry out the duties of an extremely complex and critical multi-million dollar enterprise.
- One can be elected without any educational background. The law states a school administrative credential is required, but even that can be waived by the State Department of Education.

- Additionally, it is difficult to remove an elected Superintendent. Recall is an option however, not likely. The term of office would expire however the person could be "re-elected".

Dr. Brophy concluded his presentation. He provided Committee Members with a handout of his presentation and offered to return to provide any follow up.

Annabell McCord stated that once you start saying you're going to change something from elected to appointed, people think you're taking their "voting" rights away. Ms. McCord also asked about charter schools and whether they are included in Dr. Brophy's comments. Dr. Brophy confirmed his comments did include Charter schools however, that discussion would be lengthy and he was trying to keep his presentation time to a minimum.

Chairman Nader indicated Gayle (Garbolino-Mojica) contacted him requesting that she be able to come to the next committee meeting to provide her perspective on this topic.

Keith Bray introduced himself and indicated that he represents the shared governance of the Office of Education; he represents the Superintendent in her capacity; he is the legal counsel and he represents the members on the Board of Education.

Chairman Nader said only 5 counties appoint the Superintendent of Schools. They are Los Angeles, San Diego, Santa Clara, Sacramento, and San Francisco. In the counties of San Diego, Sacramento and Santa Clara, the Board of Education appoints the Superintendent. In the County of Los Angeles, the County Board of Supervisors appoints the Superintendent and notes the County of San Francisco has a convoluted process for appointing.

Al Madison, a member of the public, suggested it is hard to choose which model (appointed or elected) however when you have two elected bodies and not one is in charge of the other, you're setting yourself up for conflict. Mr. Madison is a former Auburn Elementary School District board member (11 years) and a former Placer County District Committee member (8 years).

Dr. Brophy commented that the current scenario is similar to having an elected Board of Supervisors and an elected County Executive Officer.

Chairman Nader asked Michael Paddock to contact Gayle (Garbolino-Mojica) to confirm her attendance at the next meeting.

Committee Member Greg Nau asked if other members had received the memo from county counsel regarding at will or specific term position and asked why it was not on the agenda under Unfinished Business.

Committee members reviewed and agreed the item should be listed on the agenda under "Unfinished Business" as item #5 (b).

(Motion by Chairman Nader/ second by Annabell McCord/ 5:0 to move item)

5. Unfinished Business

a. Charter Amendment – proposed changes in text – Article III. (d)

The Committee reviewed a request from Troy Held, Director of Child Support Services to make one grammatical change (adding a comma to a sentence) and one language change “or other entity which the Board is responsible ” to Section 303 (d.).

Mr. Held states in his email request that this change would allow for Board examination of Departments, such as Child Support Services, where the department does not receive county funds, but the Board is responsible.

Brian Wirtz said grammatical changes to the charter can be made as long as the content/meaning of the sentence does not change.

Committee Member Ron Feist suggested that since all funding for county departments is received and “managed” through the county the language could remain the same.

Brian Wirtz will do some research and will prepare a memorandum to bring back to the committee.

b. Memorandum from County Counsel (Moved from Item 7 on agenda)

Referencing page 2 paragraph 4 of the September 17 memo, Greg Nau made a motion to adopt amending Section 507 of the Charter to read “The County Counsel shall be appointed by the Board of Supervisors and serve at its pleasure consistent with the terms of Government Code section 27641 as currently enacted or hereafter amended including any successor statute enacted by the State Legislature to replace it.”

(Motion made Greg Nau / Seconded by Annabell McCord / 5:0 in favor)

This item will be one of the recommendations given to the Board of Supervisors for review and a decision to take to the voters.

6. New Business

a. Salary Surveys – Board of Supervisors – status report

Michael Paddock sent information to committee members via email and presented hard copies at the meeting of the following documents:

- Nevada County Salary Study
- Survey Summary – Comparable Counties
- Placer County Benefits
- Placer County Allocated Positions
- Memorandum/ Anthony LaBouff, County Counsel
- Measure A – D Elections November 5, 1996

Committee members discussed various formulas to calculate supervisor salaries including the use of peer counties based on population and/or budget. After a peripheral review of the survey comparables and the lateness of the hour, Chairman Nader suggested discussing this topic first on the next agenda.

Margie Spalding, member of the public, asked of the 5 counties the committee is looking at, do the Supervisors share the same responsibilities. Michael Paddock stated this committee has not yet decided on the formula or calculus in determining the county comparisons they'll use.

Annabell McCord's initial county choices were El Dorado, Marin, Merced, San Luis Obispo, Santa Barbara, Santa Cruz, Tulare and Yolo based on population.

Chairman Nader suggested looking at the formula used for the prior ballot measure regarding supervisor salaries.

- b. Prior Ballot Measures – Civil Service Commission / Personnel Director – information

Due to time constraint, no discussion took place on this item. Item will be rescheduled for next agenda.

- c. County employees – status – classification / exempt - information

Annabell McCord asked for clarification regarding the at-will vs. not at-will positions listed on the minutes (page 3 paragraph 4). Ms. McCord has concerns with increases in health care costs and the pay increases do not cover those costs. At-will positions serve at the pleasure of the Board, not at-will positions are classified and under the protection of civil service. Additionally compensation for at-will employees is not dictated by the charter.

- 7. Items for Information – Memorandum from County Counsel
(Committee had previously made a motion to move item to #5 b. under Unfinished Business)

- 8. Next Meeting Date

The next Charter Review Committee meeting date will be Monday, October 22, 2007 at 1:30PM, in Conference Room A, Placer County Administrative Center, 175 Fulweiler Avenue, Auburn, CA 95603.

Charter Review Committee contact persons: Michael Paddock, Senior Management Analyst, County Executive Office, 530-889-4030 or Mike Boyle, Assistant County Executive, County Executive Office, 530-889-4010.

- 9. Adjournment:

The meeting was adjourned at 3:35PM.

Action items for next meeting of October 22:

1. Contact Todd Lindstrom regarding his absence at last two committee meetings. (MICHAEL PADDOCK)
2. Contact and invite Gail Garbolino-Mojica, Superintendent of Schools, to present her viewpoint at October 22 meeting and to arrive at 2:45 p.m. (MICHAEL PADDOCK)
3. Provide committee with the formula/model used for the prior recommendation to the BOS and subsequent ballot measure regarding supervisor salaries. (MICHAEL PADDOCK)
4. Provide Memorandum to Committee regarding suggested text change to Section 303 (d.) (BRIAN WIRTZ)
5. Inform Dr. Brophy of next meeting date. (MICHAEL PADDOCK)
6. Distribute materials to all members in advance of next meeting. (MICHAEL PADDOCK)
7. Post next meeting date, agenda and minutes on County website. (MICHAEL PADDOCK)
8. Add under New Business on Oct 22 agenda: Prior Ballot Measures – Civil Service Commission / Personnel Director – information. (MICHAEL PADDOCK)
9. Salary Survey discussion to be listed first under Unfinished Business on the October 22 agenda. (MICHAEL PADDOCK)

Minutes submitted by:

Teri Sayad Ivaldi,
Senior Administrative Aide
Placer County Board of Supervisors